



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES  
GOVERNOR'S ADVISORY COUNCIL (GAC)  
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES (DDDS)**

**April 28, 2017**

The Governor's Advisory Council to the DDDS met on April 28, 2017, at the 1056 Woodbrook Conference Room in Dover.

**COUNCIL MEMBERS PRESENT:** Terri Hancharick, Chair  
Timothy F. Brooks, Ed.D.  
Angie Sipple  
Gail Womble

**ABSENT COUNCIL MEMBERS:** Susan Pereira  
Thomas Rust

**STAFF MEMBERS PRESENT:** Jill Rogers  
Marie Nonnenmacher  
James Dickinson  
Lynda Lord  
Terry Macy  
Rick Kosmalski

**GUESTS PRESENT:** Stan Trier, Guest  
Pat Maichle, DD Council  
Terry Olson, The ARC of Delaware  
Carol Kenton, Parent

**CALL TO ORDER:** The meeting was called to order at 1 p.m.

**APPROVAL OF MINUTES:** The March 16, 2017 minutes were approved.

**NEXT MEETING:** May 18, 2017; 11 a.m. – 1 p.m.

**AGENDA-ADDITIONS:** Families Project  
Community of Practice  
The ARC of Delaware - HUD

**Agenda Subjects**

1. Abuse/Neglect Data Update

The set of questions put forth by a GAC member was addressed via handout by DDDS Office of Resident's Protection. All questions and/or concerns regarding handout were answered and spoken about at meeting. GAC member expressed concerns of not providing a retrospect of data. Currently, DDDS is in the process of acquiring a data system to house data information surrounding this subject. The system will supply data surrounding PM46 investigations/outcomes, resident rights violations, constituency complaints, site surveys, the

probation process and hopefully personnel training, depending upon resources available. The data system is expected to provide a universal online mechanism for reporting incidents that will drop directly in DDDS staff electronic mail boxes. DDDS target date for software use is November/December 2017.

In the past spreadsheets were used unsuccessfully. Reportedly, there is approximately 10 years of information held in filing cabinets. In order to complete a retrospect analysis from hard files, DDDS would have to pull staff from current job duties to decipher the information; therefore, staff could not perform current job duties. If data is retrieved from hard files, DDDS currently has nowhere to house the large amount of information that will provide statistical analyses needed. DDDS recognizes the insufficiencies and is working to correct. Until such time the software is available, the next best alternative is to continue to get reports from Marj Shannon taken from the paper records that exist.

The second most frequently substantiated PM46 incidents are medication errors, which falls under neglect. Significant changes to the medication training curriculum was launched last December; therefore, moving forward data may be analyzed to see if changes made a difference in medication errors. Behavioral interventions are currently changing, as well.

Discussion was held regarding what types of events/complaints are considered “PM46” reportable incidents. Any incidents/complaints that are of concern may be reported. After report is received, DDDS reviews to determine if a PM46 investigation is required. Incidents/complaints may be made to any case manager, DDDS employee, or call DDDS directly to make complaint. DDDS is aware that information pertaining to the outcome of investigations to parents is lacking and plans to begin analyzing rules with legal advisors to determine what may be shared.

The Division of Long Term Care Residents Protection (DLTCRP) is responsible and has a process in place for placing names on the Adult Abuse Registry, not DDDS. The DLTCRP maintains a listing of all persons in the State of Delaware who have a substantiated case of abuse, neglect, mistreatment, and/or financial exploitation in their backgrounds. State of Delaware law requires that all long term care facilities check this Registry before hiring any new employee. DLTCRP currently does not have an avenue to record where the person placed on the Adult Abuse Registry was employed at the time the case was substantiated. Names remain on the Registry for different timeframes. The PM46 process is designed as a quality improvement tool for DDDS, and does not follow the same process as DLTCRP. If DDDS discovers that something may rise to the level of neglect or abuse, it automatically goes to DLTCRP who follows regulations surrounding concluding and notifying. Once a complaint rises to the level of abuse, neglect, mistreatment, and/or financial exploitation, DLTCRP is responsible for investigation and reporting appropriately. DDDS is currently revising policy to include listing of reportable incidents. Once completed, policy will be released in a manner that all are aware that this is a “living document” and will be seeking feedback approximately three months after release to make changes if necessary.

DDDS will extend an invitation to DLTCRP Director to attend an upcoming GAC meeting to explain the process in more detail.

One of the advantages of expanding the Lifespan waiver to include people not in residential services is that it provides an avenue to convey information from DDDS and to DDDS by all service participants.

2. Training for DDDS Case Managers and Community Navigators re: alternative to guardianship  
Delaware Courts asked the Delaware Guardianship Commission to develop an educational plan surrounding guardianship options in Delaware. The Office of the Public Guardian (OPG) is currently seeking developed training materials to assist with educational plan. Delaware Courts are looking for the public to have good information on guardianship options in order to understand before petitioning Courts for guardianship. Reportedly, 70% of the OPG's caseload is people with intellectual disabilities. Once organized, GAC plans to invite the OPG to meeting to discuss details.

DDDS plans to confer with the OPG to provide consistent educational information surrounding guardianship to DDDS staff and others.

3. Governor Carney's Proposed Budget

The current budget deficit is reportedly at approximately four hundred million. Governor Carney's proposed budget issued in April was a balance of revenue enhancements and reductions. GAC was encouraged to make budget suggestions to Governor Carney's office via website. GAC member requested total of reductions and total DDDS fiscal year 2018 budget.

All state agencies prepared further reductions in case needed. DDDS worked hard to find ways to reduce spending without impact on direct services. Identified reduction areas included decreases in administrative costs, re-negotiated leases cost, and fleet costs. DDDS had creative opportunities to streamline DDDS spending without impacting services. The Lifespan Wavier is intact; DDDS is pleased with current fiscal position.

Under the current hiring freeze, DDDS received blanketed approval to fill direct care positions and some Community Services positions. DDDS is receiving exceptional support in reshaping positions as needed.

#### Updates

- Provider Recruitment

Passavant Memorial Homes (PMH) was authorized as a provider in Delaware a few months ago and will be providing services in New Castle County, with the expectation to provide statewide services in the near future. PMH was established in 1895 for the care of individuals with epilepsy. Today, PMH is non-profit and serve 800 children, adults, and seniors offering a wide range of support for persons with disabilities. PMH family of services includes, accessible dental services, life enrichment trust, pharmacies, and residential homes. PMH comes from the western Pennsylvania region, and grown into one of the nation's foremost providers. PMH has a high level of expertise in working with people with challenging behaviors. PMH is in the process of setting up operations in Delaware.

This is part of the strategic priorities DDDS discussed a year ago, which is to support providers and expand provider choices in a meaningful way.

Deaf Independent Living Association (DILA) from Salisbury, Maryland is now working through orientation with DDDS. DILA was established in 1982, and offer a variety of services for hearing loss. In Maryland, DILA offers residential, employment, and communication resources for people with hearing loss. In Delaware, DILA will begin offering residential services in Kent and Sussex Counties for people with or without hearing loss.

Work continues with DDDS case managers to ensure people are pleased with service providers and have a clear understanding of service provider choice.

- Lifespan Waiver Amendment

A set of informal joint questions were received from the regional and central CMS office, which may indicate an expedited approval. Answers to questions are expected to be submitted to CMS, Monday, May 1, 2017. DDDS continues work with DMMA surrounding system changes, provider enrollment processes, and the provider application process. Many infrastructure pieces need to be in place to work. DDDS continues work with DMMA on the expedited application process for people that are known to meet the financial criteria for DDDS services in order to complete level of care assessment for enrollment in the Lifespan Waiver to take place on July 1<sup>st</sup>.

DDDS is behind in issuing the RFP to select a vendor to provide the Agency of Choice - self directed option that may create challenges in the short run for people who are applying to attend camps during the summer. Therefore, DDDS is approving as usually, but hopeful once vendor is selected, funds may be used that may be reimbursed by Medicaid.

- Targeted Case Management

DDDS is in the process of responding to questions from CMS surrounding the Targeted Case Management State Plan Amendment. Targeted case management serves two populations, residential settings, and people living elsewhere. DDDS case management will continue to provide services to people living in a residential setting and the chosen vendor will supply case management to people elsewhere. DDDS is hopeful that the vendor contract is authorized today; once signed, the name of the vendor will be revealed.

- Bellwether (aka Advoserv)

Effective July 1, 2017, Bellwether has elected to discontinue all services for DDDS individuals in Delaware. On April 21<sup>st</sup>, all families/individuals were notified. A considerable amount of work was completed in preparation and DDDS continues to work closely with Bellwether staff and individuals/families served to ensure a smooth transition, depending upon people's choice and needs. This transition affects 17 individuals.

- 4. Family Project and Community of Practice

DDDS began the Family Project approximately nine months ago while consulting with Neighbours Inc. Seven families are currently engaging in this project. Three "maps" created by families, DDDS staff, and Neighbours Inc. were distributed to attendees. Exercises in creating service needs through acts of discovery assisted with creating maps. A large element of this type of work is giving the person that requires services a voice and gives all an opportunity to think out of the box about services and service delivery that is not in existence. DDDS wants to create a culture that grows this type of inquiry. The ultimate goal is create communities of learning in regions. DDDS is currently building self direction that is essential to the future of services. The genesis of the family support waiver began with the family forums, held approximately five years ago, where DDDS began asking families what they would like DDDS services to look like in the future.

Flyers for the upcoming Delaware Community of Practice for Supporting Families Across the LifeCourse Team Kickoff, is scheduled on June 12, 2017, from 10 a.m. – 3 p.m. at the DDDS Fox Run Site in Bear, Delaware was distributed. All were asked to distribute flyers freely.

The “Kickoff” is hosted by DDDS and DDC in partnership with the National Association of State Directors of Developmental Disabilities (NASDDDS), South Dakota Council on Developmental Disabilities, and the University of Missouri-Kansas City, Institute for Human Development (UMKC). NASDDDS is attending the “Kickoff”. There have been five states engaged in the Community of Practice for the past five years. Delaware joined a year ago and today there are 15 states engaged. Community of Practice is designed to create a methodology by providing tools for families to develop unique service options. The Community Navigators will be supporting families as family support specialists in the near future and per contract language must become “life skills tool” proficient with the goal to give families tools to build their own future.

5. The ARC HUD Homes

Terry Olson, Executive Director of The ARC of Delaware requested this agenda item and distributed a document from The ARC of Delaware, titled “The ARC of Delaware/DDDS Housing Partnership: HUD Home Funding Deficit 4-27-17 Update – Background Information” (attached). Mr. Olson reviewed the document with the committee. Mr. Olsen indicated that DDDS and The ARC of Delaware have been working to improve processes related to HUD-financed homes for more than a year. Ms. Rogers indicated that DDDS values The ARC of Delaware’s partnership and recognizes the important work both in the advocacy and in the residential housing arena. She also affirmed that DDDS looks forward to continuing work with The ARC of Delaware to resolve, understand, and address issues. Ms. Rogers also affirmed that all individuals supported in DDDS residential services will retain such service.

While acknowledging that specifics of financial relationships remain outside their purview, the GAC requested updates related to potential impact on people served by DDDS as appropriate.

6. Other Business/Announcements

Rick Kosmalski joined the DDDS team on April 24, 2017, as the Director of Facilities and Administration. Introductions were made and Rick was welcomed. Rick lives in Middletown with his wife and three children (his oldest daughter has Down syndrome). He is a native Delawarean who grew up in north Wilmington. Rick has an Economics degree from University of Delaware and a MBA from Wilmington University. He worked in the credit card industry for 22 years at both MBNA and Chase in operations and marketing roles. He is also a parent advocate serving on many boards and he is the lead in implementing an ABLE account program in Delaware.

Marie Nonnenmacher, DDDS Deputy Director, announced her retirement after 36 years of state service, effective August 1, 2017.

7. Adjournment

Meeting adjourned at 3:02 p.m.